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November 29, 2021

By ECF and Electronic Mail

The Honorable Dora L. Irizarry
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Samantha Shader, 20-CR-202 (DLI)

Dear Judge Irizarry:

Pursuant to the Court's November 1, 2021 scheduling order, the parties are providing a status report to the Court in advance of the status conference scheduled for December 8, 2021 at 10:00 a.m.

Ms. Shader is charged in a seven-count indictment with use of explosives, in violation of 18 U.S.C. § 844(f)(1), arson, in violation of 18 U.S.C. § 844(i), using an explosive to commit a felony, in violation of 18 U.S.C. § 844(h)(1), arson conspiracy, in violation of 18 U.S.C. § 844(n), use of a destructive device, in violation of 18 U.S.C. § 924(c)(1)(B)(ii), civil disorder, in violation of 18 U.S.C. § 231(a)(3) and possessing and making a destructive device, in violation of 26 U.S.C. §§ 5861(d) and 5861(f).

On July 17, 2020, the Court held a status conference and Ms. Shader was arraigned on the pending indictment. That same day, the Court issued a written order granting in part and denying in part the defense motion to inspect grand jury records. On July 23, 2020 and July 28, 2020, the Clerk of the Court provided the grand jury records to the defense and the government. On July 24, 2020, the government provided Ms. Shader with its second Rule 16 discovery production. On August 27, 2020, the government provided Ms. Shader with its third Rule 16 discovery production. On October 28, 2020, the government provided Ms. Shader with its fourth Rule 16 discovery production, which included numerous additional NYPD video files taken from multiple locations. On January 5, 2021, the government provided counsel for Ms. Shader with its fifth Rule 16 production, which included substantial additional materials including surveillance video files, law enforcement records, and forensic reports.

On May 12, 2021, the defense provided the government with a more than 50 page submission containing information in support of a disposition short of trial. And on August 11, 2021, and September 24, 2021, the defense provided the government with supplemental

mitigation materials including a final expert report. As outlined in the parties' October 29, 2021 report to the Court, the government had indicated that it needed additional time to review the defense submissions. Since that time, the parties remain in active discussions and have made progress towards a disposition short of trial. As a result of the discussions between the parties, the government has stated that it intends to extend a formal plea offer to Ms. Shader by the end of this week. Defense counsel will then need some time to review the formal offer with Ms. Shader at MDC, and to propose any modifications of the terms of the agreement with the government.

The parties are cognizant of the fact that the Court has generously granted numerous adjournments of the scheduled status conferences to allow the parties to continue their negotiations, and are prepared to appear on December 8, 2021 at 10:00 a.m. as scheduled if the Court is not inclined to grant a further continuance. But for the reasons set forth above, including the forthcoming formal plea offer and the parties' continued work towards a resolution in this case, the parties would respectfully request an additional adjournment of the status conference to a date in January, with a joint status report due to the Court one week prior to the scheduled conference, should this request be granted.

Finally, the parties request that the Court exclude time under the Speedy Trial Act. Specifically, the parties request that the Court find that the ends of justice are served by ordering the requested continuance as this continuance outweighs the best interests of the public and Ms. Shader's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). In particular, the ends of justice are served by the government extending a formal plea offer, and for Ms. Shader and counsel to have an opportunity to review the proposed plea agreement and to finalize the terms of that agreement. We have discussed the possibility of a further adjournment with Ms. Shader, as well as her speedy trial rights, and she consents.

Thank you for your consideration of this letter.

Respectfully Submitted,

/s/
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cc: all counsel of record (via ECF)
Clerk of the Court (via ECF)